

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

JOHN FUJIWARA and
and GLADYS FUJIWARA,

Defendants.

Adv. Pro. No. 10-04289 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against, among others, Defendant Gladys Fujiwara; and

WHEREAS, Gladys Fujiwara died on May 18, 2016;

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and John Fujiwara, in his capacity as the Personal Representative of the Estate of Gladys Fujiwara (the “Estate”),¹ as follows:

1. The Estate and John Fujiwara, in his capacity as the Personal Representative of the Estate (collectively, the “Defendants”), are hereby substituted into this action in place of Gladys Fujiwara, deceased, and the Complaint shall be deemed so amended (the “Amended Complaint”).

2. The Clerk of the Court is hereby directed to amend the caption to remove Gladys Fujiwara and substitute the Estate and John Fujiwara, in his capacity as the Personal Representative of the Estate, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for the Estate, and John Fujiwara, in his capacity as the Personal Representative of the Estate: (i) expressly represents that he has the authority to accept service of the Amended Complaint on behalf of Defendants; (ii) waives service of the summons and the Amended Complaint on behalf of Defendants; (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants; and (iv) expressly agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

¹ The probate action is captioned *Estate of Gladys Y. Fujiwara*, Case No. P-17-090661-E, District Court, Clark County, Nevada.

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: June 7, 2017

/s/ Nicholas Cremona

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*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC
and the estate of Bernard L. Madoff*

*Attorney for John Fujiwara, the Estate of Gladys
Fujiwara, and John Fujiwara in his capacity as
the Personal Representative of the Estate of
Gladys Fujiwara*

SO ORDERED

Dated: June 8, 2017

New York, New York

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE

EXHIBIT “A”

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Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF GLADYS FUJIWARA, and
JOHN FUJIWARA, in his individual capacity and
as Personal Representative of the Estate of Gladys
Fujiwara

Defendants.

Adv. Pro. No. 10-04289 (SMB)